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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,536	04/14/2004	Richard L. Rowe	SFV 306	8249
23581	7590	04/09/2007		
KOLISCH HARTWELL, P.C. 200 PACIFIC BUILDING 520 SW YAMHILL STREET PORTLAND, OR 97204			EXAMINER ALSOMIRI, ISAM A	
			ART UNIT	PAPER NUMBER
			3662	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/825,536

Applicant(s)

ROWE ET AL.

Examiner

Isam Alsomiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 41-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-40 are rejected under 35 U.S.C. 102(b) as being anticipated by McMakin et al US 20020130804A1.
3. Referring to claims 14, 26, 27, 29, and 34-36, McMakin discloses in figures 1-3, an interrogating device (see Abstract) comprising: first interrogating a given feature of a subject at a first time (see figure 3; when I=1, [0040 and 0054]) with electromagnetic radiation in a frequency range of about 100 MHz to about 2 THz (see paragraph [0010 lines 1-4]); generating, from the first interrogating, a first data set representative of the given feature (see [0010 lines 6-8]); second interrogating the given feature of the subject at a second time different than the first time (when I = 2) with electromagnetic radiation in a frequency range of about 100 MHz to about 2 THz (see [0010 lines 1-4]; generating, from the second interrogating, a data set representative of the given feature (in-part since the integrations overlap, see [0053 and 0010 lines 6-8]); and identifying, from each data set generated, information corresponding to a given feature (see [0006 lines 1-8]) of the given subject (B in figure 1). Further, it is implicit that the processor (see figure 1 [44,46,48]) includes a computer code which is stored in memory and when executed performs the above functions.

4. Referring to claim 15, McMakin teaches the subject includes a body portion (see [0006 lines 5-6]).
5. Referring to claim 16, McMakin teaches wherein the body portion is at least partially covered by material at least partially transparent to the electromagnetic radiation (see [0005 lines 6-10]).
6. Referring to claim 17, McMakin teach the wherein the material is clothing (see [0005 lines 6-10]).
7. Referring to claim 18, McMakin teaches the information identified from each data set corresponds to a topographic representation of the given feature (see [0007 line 4]).
8. Referring to claim 19, McMakin teaches comparing the information identified (see [0077]).
9. Referring to claims 20, 30, 37, McMakin teaches rendering a representation of the information identified from each data set; and presenting the representations rendered (see [0026 lines 7-10; and 0059 lines 14-15]).
10. Referring to claims 21, 31, 33, 38, 40, McMakin teaches rendering a representation includes rendering a graphical representation (see [0007 line 4]).
11. Referring to claims 22, 32, 39, McMakin teaches wherein rendering a graphical representation includes rendering a topographic representation (see [0007 line 4]).
12. Referring to claims 23 and 24-25, McMakin teaches displaying the representations sequentially (see [0060 lines 3-4]).
13. Referring to claim 28, McMakin teaches identifying, from at least one data set generated, information corresponding to a second body portion of the person

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corresponding to the first body portion (see [0009]) which reads on the claimed "information corresponding to a second feature of the subject corresponding to the first feature".

### ***Response to Arguments***

Applicant's arguments filed January 10, 2007 have been fully considered but they are not persuasive. Regarding claims 14-40, applicant argues that McMakin interrogates and generates data sets for different body B portions. Therefore, since McMakin does not disclose interrogating any portion of the body B more than once, it cannot anticipate any of the independent claims. In response, McMakin teaches that the interrogations of the body B portions can overlap one another. Therefore, McMakin does interrogate a portion of the body B more than once, at least in part (see paragraph 53). Therefore, the rejections are maintained.

In response to applicant's argument (regarding claim 19) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., comparing information from first and second interrogations of a given feature of a subject) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 19 recites "comparing the information identified", which is very broad to read on comparing the information to anything. Therefore, the rejection is maintained.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isam Alsomiri whose telephone number is 571-272-6970. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isam Alsomiri



April 1, 2007



THOMAS H. TARCZA  
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TECHNOLOGY CENTER 3600